



HUMAN RIGHT ASPECT OF DIGNITY OF DALIT WOMAEN – SOCIO-LEGAL STUDY

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The history of mankind is a history of respect⁴ed injuries and usurpations on the part of man toward women, having indirect object th⁴e establishment of tyranny over her.¹

Birth of a man or Woman is sheer biological accident and inexplicable genetic engineering. Man cannot take undue advantage, simply because he is born as a man and woman need not be subject to all adversities and indignities of life on account of her being born as a Dalit Woman. Exploitation and discrimination the inherent dignity of womanhood. “A Woman is a human without rights. Today, held in thrall²dom by homicidal custom, womanhood dies in flames for her gender crime”²Dalit Woman is treated s unequal by society for the genetic sin of her discriminated sex. She suffers gender devaluation at home, at work, in literacy, in matrimony, in inheritance and allied rights, in economic opportunity, public life and power process.³

Dalit Women dignity is natural, inherent and inalienable component of human life dignity of human beings is sine qua non for meaningful existence and survival, without which life of women on earth is a human graveyard bereft of harmony. Dignity of Dalit Women is a sensitive area of human life, which covers not only physical torture but also mind. Although several rights are guaranteed equally to men and women, there are several ways in which the structure of the family and the existence of several social customs and practices deprive Dalit Women of their rights.

Female infanticide of Foetus killing after sex determination before birth is starting point of their discrimination⁴. Dalit Women are viewed as dependants within the family and face severe restrictions on their mobility, which further impedes their ability to enjoy their rights. Freedom of speech and expression ins often denied to Dailt Women within the family, and women are kept out of decision-making processes even within the community and state institution. There is a lack of efforts to secure for Dalit Women basic economic rights in the family, in relation to property, income and shelter, which is prerequisites of women’s right to dignity and a measure of autonomy. Assets that have been created out of public resources for poor households have been largely granted too male heads, while the responsibility for social costs of child care, household maintenance and survival oriented productive tasks are laid on alit Women’s shoulders. Under the traditional notions a Dalit Woman is protected during her childhood by her father, during her youth by her husband and during her old age by her son.⁵

If the homes are free from domination, cruelty, violence and aggression the young will easily cultivate feelings and ideas, usually termed as feminine virtues, of dignity, self-respect, equality, tolerance, compassion, fair-play and justice. In our country India Dalit Women have been segregated and discriminated. The idea that marriage is the summum bonum of a women’s life and that her primary duty is to bear and rear children is inculcated in the minds of the Indian Dalit Women for generations. Naturally the family has become her main concern. She is told that it is her obligation to the family that should prevail always in all circumstances. Matriarchic hegemony is blatant hypocrisy in the garb of religiosity. The truth is, otherwise, where she is cribbed and confined to ‘happy home’ imposing restrictions on her life and personal liberty without dignity. Even now, in spite of the fresh breeze of modernity, majority of the Dalit Women folk in India continue to cherish these antiquated misconceptions and ideas⁶

Similarly, polygamy as the system of ‘Devadasis’ further relegated Dalit Woman to the background. The two epics, the Ramayana and Mahabharatha also accorded a pitiable position to woman. According to the Bible, God created man at fir⁵st and later created woman to be his companion and a helper. Buddhism, refused to take women into the ranks of monks. Only did he yield before his foster mother Gautami’s argument that women too needed the right to salvation which otherwise would have been denied. Jainism has propounded that women is unfit to gain salvation and liberation. Mahaveer is reported to have said that if Dalit Woman desires salvation she must be reborn as a man in next birth. Rousseau asked the women to be content with education regarding household arts. Socrates is said the have set himself against freedom to women. In his view women if granted r freedom would endanger the World. Probably his views must have been born against the background of his wife being a termagant woman. Every religion proclaimed that woman is intended to serve man. The Shakespearean dictum is. “Frailty, thy name is woman. “According to Tennyson; ‘Man is for the field and woman for the hearth; Man for the sword and for the needle she; Man with the head and woman with the heart; Man to command undignified life with total submission throughout her life. All religions have suppressed women without submission throughout her life. All religions have suppressed women without upholding the dignity and worthy life. No religion freedom



and individuality. Treating woman as appendage to men and placing limitations on her rights was a common tradition of all religions like Hindus, Buddhists, Jain, Islamic and Christian thought.⁷

Hence, what is demanded is neither charity nor grace nor as legal aid to a weaker sex. The militant claim is the woman's right to be oneself, not a doll to please, nor an inmate of a workhouse. She has the human right to be woman. The personality of one's sister cannot be warped to suit the masculine ethos not shaped to confer pseudo=freedom, keeping subordination as an unwritten code of the suppressed tribe⁸. Women are the orphans of our Corpus Juris, the still bone of our status book"⁹.

Thus, social framework, social structure, traditions, cultural norms, language, literature, and value systems are important determinants of women's dignity, roles and their position in society. They influence social expectations regarding behaviour of the two sexes, both as individuals and in relation to each other. In respect of the status that is accorded to women including Dalit Woman by law and by the constitution that there is a gap between the theoretical probabilities and their actual realization. Religion, family and kinship, roles, and cultural norms delimiting the spheres of Dalit Women's activities obstruct their full and equal participation in the life of the society and the achievement of their full potential. The new roles and responsibilities and status visualized for Indian woman will thus have to relate the living realities of the social, economic, legal, traditional and cultural contexts of their present position.

The dignity of Dalit Women is one of the veritable challenges of 21st century in the realm of Human Rights. More than five decades ago the Indian Constitution guaranteed social, economic and political justice, liberty, equality and fraternity assuming the dignity for all men and women. The institutions with a plethora of laws governing women's status have been fighting tooth and nail. But they proved ineffective in their implementation. Dignity of Dalit Women remained a mirage and still women are living in subjugation and silently suffering the indignities heaped on them. "In a masculine legal system men have human rights but women have them writ in water. The police are men too. Their investigation bears gender bias, their custodial process betrays criminal manifestations. Even the prison keeps women insecure. For them, the constitution is counterfeit until gender justice turns militant, strident and honest"¹⁰. Constitutional provisions, judicial pronouncements, conventions and conferences have been focusing Dalit Women's issues both at national and international levels and emphasizing the need to give them their due place in society and family. However concrete results have not been achieved. There is great deal of scholarly concern about the status of Dalit Women, but actual work in terms of dignity of Dalit Women is deplorably limited. It is high time that this neglected area is taken for in-depth socio-legal vision of dignity of Dalit Women. There is immense need for the subject of 'Dignity of Women' by focusing the problem in 'human rights perspective' and expand its scope. The bottlenecks in the implementation of the laws and the incorrigible attitudes are significant factors, which have been eroding the dignity of Dalit Women. And it is at this juncture thorough research is quite significant and indispensable to revamp the entire system. There is necessity for an exclusive study of dignity of Dalit Women in India in view of diversified socio-economic, political and cultural spectrum where women in India are targets of verification and victimization. Therefore, this study dignity of Dalit Women in human rights perspective is in itself a rewarding experience and the Indian Constitution in upholding the dignity of every woman including Dalit Women.

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